

### **REMARKS**

Upon entry of this amendment, claims 1, 12, 13, 14, 18-21, 23, 26-28, 31, 32, 35, 40, 48, 51, 54, 57 and 61-70 are all the claims pending in the application. Claims 2-11, 16, 17, 22, 24, 25, 29, 30, 33, 34, 36-39, 41-47, 49, 50, 52, 53, 55, 56 and 58-60 have been canceled by this amendment, and claims 61-70 have been added as new claims. No new matter has been added.

Applicant notes that a number of editorial amendments have been made to the specification for grammatical and general readability purposes. No new matter has been added.

#### **I. Claim Rejections under 35 U.S.C. § 101**

The Examiner has rejected claims 28, 31, 32 and 35 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner has indicated that that claims are directed to software per se. By this amendment, Applicant notes that each of claims 28, 31, 32 and 35 has been amended in a manner to overcome this rejection. Accordingly, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

#### **II. Claim Rejections under 35 U.S.C. § 112, first and second paragraphs**

The Examiner has rejected claims 22 and 60 under 35 U.S.C. § 112, first and second paragraphs as failing to comply with the written description requirement and as being indefinite. As noted above, claims 22 and 60 have been canceled by this amendment, thereby rendering the above-noted rejections moot.

#### **III. Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 15 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

By this amendment, Applicant notes that claims 1 and 12 have been amended so as to include all of the features of allowable claims 15 and 43 respectively, thereby placing claims 1 and 12 in condition for allowance. Claims 13, 14, 18-21 and 27 depend from claim 1, and claims 40, 48, 51, 54 and 57 depend from claims 12. Accordingly, Applicant submits that these claims

are patentable at least by virtue of their dependency.

Regarding claims 23, 26, 28, 31, 32 and 35, Applicant notes that each of these claims has been amended in a similar manner as claims 1 and 12, thereby also placing these claims in condition for allowance.

#### **IV. Claim Rejections under 35 U.S.C. § 102**

Claims 1, 12-14, 18-21, 23, 26-28, 31, 32, 35, 40, 48, 51, 54 and 57 under 35 U.S.C. § 102(b) were rejected as being anticipated Fujinami et al. (U.S. 5,455,684) (Applicants note that the Examiner incorrectly identified the Fujinami reference in the Office Action at U.S. 5,456,684, instead of U.S. 5,455,684).

With respect to the above-noted rejection, as discussed above, claims 1 and 12 have been amended so as to include the allowable features recited in claims 15 and 43, respectively, thereby placing these claims in condition for allowance. Claims 13, 14, 18-21 and 27 depend from claim 1, and claims 40, 48, 51, 54 and 57 depend from claims 12. Accordingly, Applicant submits that these claims are patentable at least by virtue of their dependency.

Also, with respect to claims 23, 26, 28, 31, 32 and 35, as noted above, each of these claims has been amended in a similar manner as claims 1 and 12, thereby also placing these claims in condition for allowance.

#### **V. New Claims**

Claims 61-70 have been added as new claims.

Regarding claim 61, Applicants note that this claim is drawn to a recording/reproduction method including a storage step of storing first MPEG data in a data storage unit, and a reading step of reading the first MPEG data from the data storage unit, wherein the storage step and the reading step are executed alternately and approximately at the same time. Applicant respectfully submits that the Fujinami reference (U.S. 5,455,684) applied in the Office Action does not teach or suggest such features.

In particular, with respect to Fujinami, Applicant notes that this reference discloses a recording/reproducing apparatus which includes a video entry point detection circuit 31 for

generating an entry point generation signal, and an entry point storage device 33 which stores the position of each entry point (see col. 12, lines 3-9). As explained in Fujinami, when a control circuit 8 receives an entry point generation signal, the control circuit 8 causes an entry packet generation circuit 32 to generate an entry packet (see col. 12, lines 62-65).

As shown in Fig. 14 of Fujinami, in each entry packet, the distances between the current entry point and the positions of the three previous entry points and the three following entry points are recorded (see col. 13, lines 4-6). As explained in Fujinami, after all of the signals to be recorded have been recorded on the DSM 10, the control circuit 8 reads out from the entry point storage device 33 the positions of the three previous entry points and the three following entry points for each entry point (see col. 5, lines 19-24 and col. 13, lines 17-21).

Thus, in Fujinami, because the entry points are added after recording of data to a disk is completed, it is clear that Fujinami does not disclose or suggest the ability to execute a storage step and a reading step alternately and approximately at the same time, as recited in new claim 60. Accordingly, Applicant respectfully submits that new claim 60 is patentable over Fujinami, an indication of which is kindly requested. Claims 62-67 depend from claim 60 and are therefore considered patentable at least by virtue of their dependency.

Regarding claims 68-70, Applicant notes that claim 68 recites that the memory unit and the reading unit store and read the first MPEG data alternately and approximately at the same time; that claim 69 recites that the storage process and the reading process are executed alternately and approximately at the same; and that claim 70 recites that the storage step and the reading step are executed alternately and approximately at the same time.

For at least similar reasons as discussed above with respect to claim 61, Applicants respectfully submit that Fujinami does not disclose, suggest or otherwise render obvious such features. Accordingly, Applicants submit that claims 68-70 are patentable over Fujinami, an indication of which is kindly requested.

## **VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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